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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2175

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,093	Applicant(s) SASAKI ET AL.	
	Examiner THANH T. VU	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This communication is responsive to Amendment, filed 10/27/2009.

Claims 1-9 are pending in this application. In the Amendment, claim 1-9 were amended.

This action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cazier et al. ("Cazier", US 2005/0206746) and Park (US 6,263,217).

Per claim 1, Cazier teaches an imaging apparatus having:

GUI screen image generating means for generating a GUI screen image having graphical user interface means for operating the apparatus and displaying the GUI screen image on image display means (fig. 3; [0015]);

operating means for operating the GUI screen image displayed on said image display means according to user selections (figs. 1 and 3; [0015]- [0017]; *which show GUI elements that are selectable by the user (i.e. according to user selections)*); and

controlling means for controlling the apparatus in accordance with the operation of the GUI screen image by said operating means, characterized by having (figs. 1 and 3):

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storing means having stored therein main menu information which is capable of setting and operating desired functions by classifying functions settable and operable in said imaging apparatus on the basis of a predetermined category, displaying index information of the classified functions in stages, and selecting the displayed index information in accordance with a selection made by said user (figs. 1 and 3; ([0016], [0019, and [0021]; *which show the system dynamically prioritizing list of menu item based upon the frequency of their use by the operator (i.e. a selection made by the user)*);

menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information ([0021]; [0022]); and

menu editing means capable of editing the unique menu information generated by said menu generating means, and characterized in that ([0022]; [0025]));

said controlling means controls said GUI screen image generating means on detection of a predetermined operation by said operating means ([0022]), and

said GUI screen image generating means generates the GUI screen image including the index information for operating the menu editing means in said unique menu information, in accordance with the control by said controlling means, to display the GUI screen image on said image display means (fig. 3; [0022]).

Cazier does not specifically teach the main menu is a hierarchy type menu. However, Park teaches a hierarchical type menu and rebuilding of the hierarchical menu based on frequency of use (figs. 3; col. 3, lines 49-67). Accordingly, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to include the teaching of Park in the invention of Cazier in order to provide the user with a hierarchical menu for arranging menu items in parent child menus.

Per claim 2, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said menu editing means has a function of adding the index information to said unique menu information, a function of deleting the index information, a function of rearranging a displayed position of the index information, and a function of initializing the unique menu information to predetermined menu information (Cazier, [0021]; [0022]; [0030]; [0034]).

Per claim 3, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said GUI screen image generating means generates a GUI screen image including the index information for operating said main menu information in said unique menu information to display the GUI screen image on said image display means (Cazier, [0021]; [0022]; [0030]; [0034]).

Per claim 4, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said GUI screen image generating means has a function of adding the unique menu information generated by said menu generating means to the index information of said main menu information (Cazier, [0021]; [0022]; [0030]; [0034]).

Per claim 5, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said GUI screen image generating means has a function of adding the unique menu information generated by said menu generating means to the index information

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displayed at an arbitrary hierarchy of said main menu information (Park, col. 3, lines 49-67; Cazier, [0021]; [0022]; [0030]; [0034]).

Claim 6 is rejected under the same rationale as claim 1.

Per claim 7, the modified Cazier teaches the imaging apparatus as claimed in claim 6, characterized in that: said GUI screen image for displaying the setting item corresponding to said index information has a function of scroll-displaying the setting items in accordance with a layout of said list information (Cazier, [0016]; [0019]).

Per claim 8, the modified Cazier teaches the imaging apparatus as claimed in claim 6, characterized in that: said GUI screen image for displaying the setting item corresponding to said index information carries out a graphic display indicative of its boundary in a case where a setting item of adjacent index information in said main menu is displayed (Cazier, fig. 3; [0021]; [0030]-[0033]).

Per claim 9, the modified, Cazier teaches the imaging apparatus as claimed in claim 6, characterized in that: said GUI screen image for displaying the setting item corresponding to said index information displays graphic information indicating the index information from which a setting item is able to be selected in a case where setting items of adjacent index information in said main menu is displayed (Cazier, fig. 3; [0021]; [0030]-[0033]).

Response to Arguments

Applicant's primary argument is that Cazier and park do not teach the limitations of "operating means for operating the GUI screen image displayed on said image display means according to user selection" and "storing means having stored therein hierarchy type main menu

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information which is capable of ... selecting the displayed index information in accordance with a selection made by said user" as recited in claim 1.

In addition, the applicant also point out that Carier and park do not teach the limitation of "an imaging apparatus having...control means...characterized by having storing means having stored therein...list information in which setting items corresponding to the index information are arranged in accordance with a display order of the main menu information are displayed seamlessly" as recited in claim 6.

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Cazier teaches the limitations of operating means for operating the GUI screen image displayed on said image display means according to user selection (figs. 1 and 3; [0015]- [0017]; *which show GUI elements that are selectable by the user (i.e. according to user selection)*); and storing means having stored therein main menu information which is capable of ... selecting the displayed index information in accordance with a selection made by said user

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(figs. 1 and 3; ([0016], [0019, and [0021]; *which show the system dynamically prioritizing list of menu items based upon the frequency of their use by the operator (i.e. a selection made by the user)*). Furthermore, Park teaches a hierarchical type menu and rebuilding of the hierarchical menu based on frequency of use (figs. 3; col. 3, lines 49-67). Accordingly, the combination of Crazier and Park teach the claimed limitation of claim 1.

In addition, Cazier teaches the limitation of an imaging apparatus having...control means...characterized by having storing means having stored therein...list information in which setting items corresponding to the index information are arranged in accordance with a display order of the main menu information are displayed seamlessly (figs. 3 and 4; ([0016], [0019], [0021], and [0022]; *which show the system dynamically prioritizing list of menu items based upon the frequency of their use by the operator, and fig. 4 shows the list of menu items are display in a continuous manner.*)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/
Primary Examiner, Art Unit 2175